

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
JAKOB W. DUININCK and KEVIN J. A. POLDER	)	
	)	
Serial No. 10/591,115	)	Group Art Unit: 1797
	)	
Filed August 31, 2006	)	Examiner: Examiner Prem C. Singh
	)	
PROCESS TO CONTINUOUSLY PREPARE	)	December 4, 2008
TWO OR MORE BASE OIL GRADES AND	)	
MIDDLE DISTILLATES	)	
	)	

COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This paper is in response to non-final office action mailed on 4 September 2008.

**REMARKS**

**§103(a) Rejection of claims 1-5 and 7-14 over Van Beijnum et al. (US 7,347,928)**

The Examiner has rejected claims 1-5 and 7-14 by asserting that all the Applicants' process steps are disclosed by the Van Beijnum patent. The Applicants, however, respectfully submit that Van Beijnum teaches a different process configuration and operation than the process that is claimed by the Applicants.

The process of Van Beijnum teaches and claims a process in which the vacuum distillation step is performed by alternatingly performing a distillation in two different modes.

*See, e.g.*, column 2, lines 1-7; column 4, lines 28-43; column 7, lines 21-27; Abstract; claim 1; and the figures. The catalytic dewaxing and hydrofinishing steps are preferably to be performed in a blocked out operation whereby the different fractions from the vacuum distillation unit are processed. *See, e.g.*, column 4, lines 44-52; column 7, lines 27-36; column 8, lines 15-20, 63-66; column 9, lines 8-13; claim 1 and the figures.

The Applicants' claimed process, on the other hand, is significantly different from the process taught by Van Beijnum in that the catalytic dewaxing step of the claimed process includes two parallel operated reactors that process fractions from a distillation step. *See, e.g.*, published specification at paragraphs [0002] and [0038] and the figure and step (d) of claim 1. Unlike in the Van Beijnum process, the parallel operated reactors process both a light base oil precursor fraction and a heavy base oil precursor fraction from a distillation unit. *See supra*.

In view of the above-noted differences between the Applicants' claimed process and the one taught by Van Beijnum, it is respectfully submitted that the claims 1-5 and 7-14 are patentable over the cited reference.

**§103(a) Rejection of claim 6 over Van Beijnum et al. (US 7,347,928) in view of Chen et al. (US 4,851,109).**

For the reasons discussed above, it is respectfully submitted that claim 5 is patentable over the cited combination of references.

**Conclusion**

In view of the significant distinctions noted above, it is submitted that the now pending claims 1-14 are patentable. Early allowance thereof is therefore respectfully requested.

Respectfully submitted,

JAKOB W. DUININCK and KEVIN J. A. POLDER

By /Charles W. Stewart/

Their Attorney, Charles W. Stewart  
Registration No. 34,023  
(713) 241-0360

P. O. Box 2463  
Houston, Texas 77252-2463